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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,616	02/12/2001	Mark C. Pace	19538-05563	9755

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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,616

Applicant(s)

PACE ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the response filed on September 7, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31,38,40,41,45-54,61,63,64,68,69,71,78,80,81,91,93,94,98,105,107 and 108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12292004</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are 1-31,38,40,41,45-54,61,63,64,68,69,71,78,80,81,91,93,94,98,105,107 and 108.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on September 7, 2004 in which Applicants submit the effective Declaration of Mark C. Pace under 37 C.F.R. § 1.131 to demonstrate that Kweitko et al. is not prior art under 35 U.S.C. 102(e). Claims 1-31,38,40,41,45-54,61,63,64,68,69,71,78,80,81,91,93,94,98,105,107 and 108 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 78, 80, 81, 91, 93, 94, 98, 105, 107, and 108 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonough et al. (U.S. 6,070,142).

McDonough discloses a system for providing service to customers at service locations, each service location having a communication device adapted to communicate one or more events pertaining to a service event for a customer at the service location (Figure 3 (350), (354), (358), (356), (352), are all customer service locations which can communicate one or more events pertaining to a service event), the system comprising: a decisioning system communicatively coupled to the communication devices (Figure 3 (360) routing engine) to receive the events (column 9, lines 37-38, service provider uses decision logic to determine customer needs), the decisioning system scheduling a primary service attendant for servicing

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each event (column 12, lines 4-5, system assigns resource based on requirements and characteristics; column 8, lines 25-26, VRU assigns call to employee) according to at least a value of the customer at the service location that generated the event (column 12, lines 36-38, system allocates resource levels to deliver desired customer experience); a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event (column 8, lines 53-56 context manager routes contacts between many different resources, these resources constitute different attendants), the message indicating the service location at which the event is to be serviced (column 8, lines 49-52, service locations); and a plurality of message receivers, used by the service attendants, to receive the messages from the communication system (Figure 3 (340), phone and (342), workstation both receive messages from communication system). McDonough discloses wherein the customer value is based on potential revenue generated by the customer (column 12 lines 33-34, customers valued based on profitability). McDonough discloses wherein the decisioning system uses a plurality of rules for scheduling the events for service (column 12, lines 30-32, rule based routing allows customer preferences to be met); the rules include: at least one rule for scheduling events according to an age of the event (column 4, lines 9, context manager provides management over life of event). McDonough discloses wherein the rules include: at least one rule for scheduling events according to a type of event (column 4, lines 55-56, rules based on customer activity) and discloses wherein the rules include: at least one rule for scheduling events according to a location of the service location (column 8, lines 34-36, service locations originating events). McDonough discloses wherein the rules include: at least one rule for selecting a service attendant for servicing an event based on a location of the service location (column 8, lines 34-36, service

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locations originating events) which generated the event and an assigned location of the service attendant (column 11, lines 64-67, rules determine what resource will handle event).

McDonough discloses wherein the rules include: at least one rule for messaging a supervisor of the primary service attendant if the primary service attendant has not completed servicing the event in a certain amount of time (column 9, lines 1-2, availability of employees and overflow management). McDonough discloses wherein the rules include: at least one rule for scheduling events according to an age of the event (column 4, line 9, context manager provides management over life of event); at least one rule for scheduling events according to a type of event (column 4, lines 55-56, rules based on customer activity); at least one rule for scheduling events according to a location of the service location (column 8, lines 34-36, service locations originating events); and at least one rule for selecting a service attendant for servicing an event based on a location of the service location (column 8, lines 34-36, service locations originating events) which generated the event and an assigned location of the service attendant (column 11, lines 64-67, rules determine what resource will handle event). McDonough discloses wherein the communication system is a two-way messaging system and the message receivers are two-way message receivers (Figure 3 (370) OTI, (340) employee telephone, (342) employee workstation; these devices are two way messaging systems, (340) and (342) are two-way message receivers).

McDonough discloses wherein: the primary service attendant can accept or decline to service an event using the two-way message receiver (Figure 3 (342), employee workstation where employee can decline routing of service request from ((370) CTI) and wherein: in response to the primary service attendant declining to service an event (column 8, line 9, server provides status of resource availability, including service attendant declining service), the decisioning system

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selects a secondary service attendant for servicing the event (column 12, lines 7-8 overflow can be assigned to resource with the required skills), and the messaging system transmits a message to the secondary service attendant to service the event (column 8, lines 20-21, call routed to another resource based on routing rules). McDonough discloses wherein: the primary service attendant can accept or decline to service an event using the two-way message receiver (Figure 3 (342), employee workstation where employee can decline routing of service request from (370) CTI and wherein: in response to the primary service attendant accepting to service an event, the decisioning system establishes the primary service attendant as being unavailable to service another event until the primary service provider completes service of the accepted event (column 8, lines 13-15, if server indicates resource is not available to service event, then overflow management occurs). McDonough discloses wherein the decisioning system monitors the time taken to service each event (Figure 8 (826) performance feedback), and responsive to time taken to service an event exceeding a threshold amount (column 7, line 57, if customer hangs up with waiting on hold), the decisioning system selects an employee to notify of the incomplete service (column 7, lines 55-56, CTI system captures information; Figure 3 (342), message transmitted back to workstation), and instructs the messaging system to transmit a message to the selected employee (column 7, line 56, information captured about abandoned calls is transmitted to employee; column 7, line 59-60, employees can call customers back and offer to be of service). McDonough discloses, a customer database (Figure 7, DBMS, (706) customer, column 4, line 4 customer information database), communicatively coupled to the decisioning system (Figure 7 (702) Context Manager) and containing customer records indicating for each customer a measure of the customer's value and the customers identification number (Figure 7 (706) customer

record), the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the measure of the customers value (column 7, line 25, customer is profile identified by VRU; column 12, lines 14-16, service levels provided are based on customers relationship), the decisioning system scheduling the event for service according to the obtained customer value (column 12, lines 36-38, customer segmentation to allocate resources to deliver desired customer experience, based on profitability of customers). McDonough discloses wherein the message from the first service attendant is transmitted from a communication device fixed at the service location (Figure 3 (354) web server is fixed).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9, 16, 18-19, 23, 25-31, 38, 40-41, 45-54, 61, 63-64, 68-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. (U.S. 6,070,142) in view of Boushy et al. (U.S. 6,003,013).

McDonough et al. discloses that as discussed above regarding claims 78, 80, 81, 91, 93, 94, 98, 105, 107, and 108. McDonough et al. seems to lack explicitly disclosing:

Regarding Claims 1, 45, and 46:

- service locations are gaming machines, and communication devices for communicating game events to a gaming machine management system.



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Regarding Claims 3 and 25:

- the gaming machines are slot machines and the interface boards communicate slot events to the gaming machine management system.

Boushy et al. teaches of a customer worth differentiation system for customer tracking and recognition program that provides various enhanced physical instrumentalities and distinguished services to a customer based upon the customer's worth to the casino. Boushy et al. and McDonough et al. are analogous art because both require systems to manage and communicate messages to service attendants who service financial transactions or patrons at gaming machines at casinos.

Boushy et al. further teaches :

Regarding Claims 1, 45, and 46:

- service locations are gaming machines, and communication devices for communicating game events to a gaming machine management system (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 3 and 25:

- the gaming machines are slot machines and the interface boards communicate slot events to the gaming machine management system (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate McDonough's system in Boushy. One would be motivated to do so because by differentiating the value of a customer in a casino one would need a process

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by which the casino could provide distinguished services to the valued customer, such as improved food and beverage services, and slot change or slot fill services.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 3-9, 16, 18-19, 23, 25-31, 38, 40-41, 45-54, 61, 63-64, 68-69, 71, 78, 80-81, 91, 93-94, 98, 105, and 107-108 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 and 52-75 of copending Application No. 09/782,677. Although the conflicting claims are not identical, they are not patentably distinct from each other because in the instant invention, it would be obvious

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for the decisioning system to have a rule for scheduling service that takes into account at least a value of the customer at a service location.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Response to Arguments***

8. Applicant's arguments, see pages 1-2 and the Declaration filed under 37 C.F.R. § 1.131, filed September 7, 2004, with respect to the rejection to claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 under 35 U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077) has been fully considered and is persuasive. The rejection to claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 under 35 U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077) has been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713

sej

A handwritten signature in black ink, appearing to read "Scott E. Jones", with a stylized flourish at the end.